## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA,	O N 0.400D400		
	Plaintiff,	Case Number 8:12CR183		
	vs.	) ) DETENTION ORDER )		
DII	EGO MARCOS-TERCERO,			
	Defendant.			
A.	. Order For Detention  After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (I).			
B.	<ul> <li>Statement Of Reasons For The Detention</li> <li>The Court orders the defendant's detention because it finds:         <ul> <li>X</li> <li>By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required</li> <li>X</li> <li>By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.</li> </ul> </li> </ul>			
C.	X (1) Nature and circumstances of X (a) The crime: Illegal Alier serious crime and carr imprisonment. (b) The offense is a crime (c) The offense involves a	Services Report, and includes the following: the offense charged: <u>n Found in U.S. Following Deportation</u> is a ies a maximum penalty of <u>2 years</u> of violence.		
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		The defendant has a history relating to drug abuse.
	_X_	The defendant has a history relating to alcohol abuse.
		The defendant has a significant prior criminal record.
		The defendant has a prior record of failure to appear at
		court proceedings.
	(b) At the	time of the current arrest, the defendant was on:
	( )	Probation
		Parole
		Supervised Release
		•
		Release pending trial, sentence, appeal or completion of
		_ sentence.
	(c) Other	Factors:
	X	The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
	X	The Bureau of Immigration and Customs Enforcement
		(BICE) has placed a detainer with the U.S. Marshal.
		•
		Other:
<u>X</u> (4)		nd seriousness of the danger posed by the defendant's
	release are a	s follows:
	Two prior	removals - 2008 - 2009.

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25<sup>th</sup> day of June, 2012.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge